

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SEAN M. DONAHUE,	:	CIVIL ACTION NO. 1:19-CV-890
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DAUPHIN COUNTY, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 31st day of August, 2020, upon consideration of the report (Doc. 5) of Magistrate Judge Joseph F. Saporito, Jr., issued following screening review of *pro se* plaintiff Sean M. Donahue's complaint (Doc. 1) pursuant to 28 U.S.C. § 1915(e)(2), wherein Judge Saporito opines that Donahue's complaint is malicious in light of his litigation history (in particular the fact that his pleading attempts to revive claims that have been twice dismissed with both dismissals having been affirmed on appeal), (see Doc. 5 at 7-11); that the complaint is legally and factually frivolous due to a combination of the favorable-termination rule of Heck v. Humphrey, 512 U.S. 477 (1994), the doctrine of *res judicata*, and the application of judicial immunity, (see Doc. 5 at 11-21); and that it otherwise fails to state a claim for which relief may be granted for a bevy of additional reasons, (see id. at 21-22), and wherein Judge Saporito further opines that leave to amend would be futile, (id. at 22), and the court noting that Donahue has filed objections (Docs. 8, 8-1) to the report, see FED. R. CIV. P. 72(b)(2), as well as more than 2,000 pages of exhibits, and following *de novo* review of the contested portions of the

report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)), and affording “reasoned consideration” to the uncontested portions, id. (quoting Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)), and after having carefully considered Donahue’s pleading and objections, the court finding Judge Saporito’s analysis to be well-reasoned and fully supported by the record and the applicable law, and finding Donahue’s objection to be without merit and squarely addressed by the report, and finding that those aspects not directly addressed in the report are otherwise meritless,¹ it is hereby ORDERED that:

1. Magistrate Judge Saporito’s report (Doc. 5) is ADOPTED.
2. Donahue’s complaint (Doc. 1) is DISMISSED with prejudice.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

¹ For example, Donahue does not challenge Judge Saporito’s application of the Supreme Court’s favorable-termination rule but instead “avers that the US Supreme Court reached an incorrect ruling in Heck.” (Doc. 8 at 2). The relief that Donahue seeks—the overturning of Supreme Court precedent—is clearly beyond this court’s authority to grant.